TOWN OF SARATOGA ZONING BOARD OF APPEALS DRAFT MINUTES February 24, 2025

Chairman William Moreau called the meeting to order at 7:00 p.m. and led the flag salute.

Chairman William Moreau welcomed everyone to the meeting and proceeded to review the *Rules of the Board*.

Zoning Clerk Linda McCabe called the roll: Chairman William Moreau – present, Clifford Hanehan – present, Thomas Carringi – present, Steve Mehan – present, Christopher Benn – present, Alternate Andy Ellis – present, Mark Solan – absent, Rick Burke – absent.

Due to the absence of Mark Solan and Rick Burke, Alternate member Andy Ellis was elevated to full voting status.

Also present: Zoning Officer Gil Albert, Joshua Baranowski, Robert Hodorowski, Labbie Rabiu and Garry Robinson. (Sign-in sheet is on file in the Clerk's office.)

Approval of Minutes: A motion was made by Christopher Benn, seconded by Steve Mehan, to accept the minutes of January 27, 2025 as written. Chairman William Moreau – aye, Clifford Hanehan – aye, Thomas Carringi – aye, Christopher Benn – aye, Steve Mehan – aye, Andy Ellis – aye, Mark Solan – absent, Rick Burke – absent.

Carried 6 - 0

Area Variance

Joshua Baranowski #25-03 300 NYS Rt. 32 Schuylerville, NY 12871 S/B/L 182.-1-61 Rural District

Applicant seeks a 10% building coverage variance and a 9' back setback variance in order to construct a deck to the rear of his existing home.

Applicant Joshua Baranowski appeared before the Board and reviewed his application and stated due to the steep ditch behind his home, he'd like to utilize the outdoor space by building a 200 sq. ft. deck in the rear of his property. Currently it is unusable space. He looked at filling it in, but in so doing it would create issues on the other side of his property, so building a deck will give them the ability to enjoy the outdoors more. There are no homes behind him, just woods, so no one will be affected by allowing this.

Steve Mehan questioned if he's building off the back of his house and if he built the block foundation.

Applicant Joshua Baranowski responded no, he's building off the garage. The block foundation was existing when he purchased the house.

After a lengthy discussion between the applicant and Board, the Board said he needs to stay 5' away from the house and the property line, otherwise he'll have to build the deck with noncombustible materials due to NYS fire codes. The Board reviewed a couple different

scenarios and drawing changes the applicant can make, such as different shapes for the deck which would

lessen the variances requested and keep the deck the size he wants, as well as keeping within the required distances. He then would be able to build with other materials, aside from noncombustible materials. The Applicant decided to table his application in order to make some adjustments to his design and resubmit next month for his public hearing.

Tabled and Returning

Chairman William Moreau stated the public hearing on this application will take place next month after the Board receives the modified application with correct measurements. (Deadline for submittal is March 10th.)

(Board member Thomas Carringi recused himself from the following application.)

Labbie Rabiu-Lani Residential Property LLC. #25-04 Owner: Thomas Carringi 905 Mohegan Rd. 1236B Rt. 9P

Niskayuna, NY 12309 Saratoga Springs, NY S/B/L 180.18-1-17 Lake Residential Representative: Garry Robinson, PE

Location: 102 Point Breeze Rd.

Applicant seeks to remove existing home and construct a new home on the same footprint. To do so, they seek a lot area variance of 33,542 sq. ft. and a front setback variance of 18.2'.

Garry Robinson appeared before the Board on behalf of the applicant. He stated the current building is 5' off the road and they're looking to move it back and over a bit to make it parallel. Side setbacks will remain the same, front and rear setbacks are met, they need a variance on the one side.

Christopher Benn questioned why they want to stay on the same footprint; if they remove the jut-out on the side, they can stay within that setback.

Garry Robinson stated he's fine with removing the jut-out but they still need a variance.

The Board agreed and Clifford Hanehan said making it parallel to the property line gives more flexibility. Board discussion continued

Chairman William Moreau asked if there were any further questions or comments of the Board; there were none.

Proof of Notice having been furnished by newspaper on February 14 2025, Chairman William Moreau opened the Public Hearing at 7:34 p.m., asking those wishing to speak to the Board to please stand at the podium, state their name and address and direct their comments to the Board. The following spoke to the Board:

Robert Hodorowski, Point Breeze Rd., questioned if there would be change to the water line and the 20' right-of-way.

Zoning Officer/Building Inspector Gil Albert responded no, this is not affecting that. Chairman William Moreau and Clifford Hanehan added the applicant is making it better by eliminating the jut-out.

Clifford Hanehan asked if he objects this project and Robert Hodorowski stated he does not.

Chairman William Moreau asked if anyone further wished to speak; seeing no one, Chairman William Moreau closed the Public Hearing at 7:37 p.m.

Chairman William Moreau asked the opinion of the Zoning Officer. Zoning Officer/Building Inspector Gil Albert stated he has no objections and he's improving the property.

Chairman William Moreau went through the Balancing Test for Area Variance, line by line, with the Board to balance benefit to the Applicant with detriment to health, safety & welfare of the community:

- 1. Whether benefit can be achieved by other means feasible to applicant Christopher Benn, Clifford Hanehan and Chairman William Moreau said no; it's a pre-existing small lot and he's improving it; Board members agreed.
- 2. *Undesirable change in neighborhood character or detriment to nearby properties* Chairman William Moreau said no, he's cleaning it up; entire Board agreed
- 3. Whether request is substantial The Board members said no, it's pre-existing, and he's reducing lot coverage.
- 4. Whether request will have adverse physical or environmental effects Clifford Hanehan said no, he's staying within floodplain regulations; Board members agreed.
- 5. Whether alleged difficulty is self-created (relevant but not determinative) Chairman William Moreau said yes, he's building; and no, it's a pre-existing, substandard lot and he's not increasing the coverage; the entire Board agreed.

Chairman William Moreau asked if there were any further questions or comments; there were none.

A motion was made by Clifford Hanehan, seconded by Christopher Benn, to accept the application with the slight changes of removing the front setback as it is no longer needed, and granting the 13' two sides setback variance. Chairman William Moreau – aye, Clifford Hanehan – aye, Thomas Carringi – recused, Steve Mehan – aye, Christopher Benn – aye, Andy Ellis – aye, Mark Solan – absent, Rick Burke – absent.

Carried 5 - 0, 1 recusal.

Granted

(Board member Thomas Carringi rejoined the Board.)

Old Business: None New Business: None

A motion was made by Clifford Hanehan, seconded by Steve Mehan, to adjourn the meeting at 7:42 p.m. Chairman William Moreau – aye, Clifford Hanehan – aye, Thomas Carringi – aye, Christopher Benn – aye, Steve Mehan – aye, Andy Ellis – aye, Mark Solan – absent, Rick Burke – absent.

Carried 6 - 0

Meeting Adjourned

The next regular meeting will be March 24, 2025, at 7:00 p.m.

*All submittals must be to the Clerk's office no later than 8:45 a.m. March 10, 2025, to be on the agenda.

Respectfully submitted,

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Linda McCabe Zoning Clerk

~Meeting dates are subject to change~